

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Muh-Rong Wang :
Serial No. : 10/623,633 : Attn: Patent Petitions Branch
Filed : 22 July 2003 : Asst. Commissioner for Patents
Title : METAL ATOMIZING DEVICE:

PETITION TO VACATE NOTICE OF OMITTED ITEMS
IN A NONPROVISIONAL APPLICATION UNDER 37 C.F.R. 1.81

Mail Stop PETITION
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, by the undersigned attorney hereby Petitions the Commissioner of Patents to Vacate the Notice of Omitted Items in Nonprovisional Application mailed from the U.S. Patent and Trademark Office dated 28 November 2003. The Initial Patent Examination Division's Examiner has stated in the Notice of Omitted Items in Nonprovisional Application, that Figures 3-4 described in the specification appeared to be omitted from the application.

In fact, Figs. 3-4 were filed with the subject patent application. Six drawing sheets were filed and Figs. 3, 3-1, 3-2, 3-3 appeared on one drawing sheet and Fig. 4 appears on a separate drawing sheet.

Figs. 1-6 were filed in this case and appeared on 6 drawing sheets.

Appln. No. 10/723,633
Response Dated 12/17/2003
Reply to Office Action of 11/28/2003

Attached to this Petition is Exhibit A which is a Receipt Postcard showing the Serial Number, Filing Date, and the fact that 6 Drawing Sheets along with one Abstract Page, 5 Claims and 4 Specification Pages were filed at the U.S. Patent and Trademark Office on 22 July 2003.

Attached also is a copy of the Official Filing Receipt (Exhibit B) which appears to show that there are 6 drawings in this case.

Obviously, the Notice of Omitted Items in the Nonprovisional Application indicates that Figs. 3-4 have apparently been misplaced and thus, attached to this Petition are exact copies of Figs. 3-4 as filed at the U.S. Patent and Trademark Office on 22 July 2003.

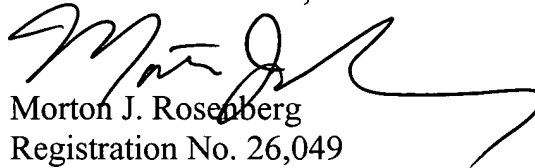
Further attached to this Petition is a copy of the Notice of Omitted Items in the Nonprovisional Application as required.

Still further, Applicant, does not believe that there are any fees necessary to be paid for this Petition since it is believed that the U.S. Patent and Trademark Office personnel misplaced the drawing pages. However, the Honorable

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Commissioner for Patents is hereby authorized to charge to Deposit Account 18-
2011 for any petition fees necessary in the event that it is determined by the
Commissioner of Patents that such fees are necessary.

Respectfully submitted,
FOR: ROSENBERG, KLEIN & LEE


Morton J. Rosenberg
Registration No. 26,049

Dated: 17 Dec. 2003

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
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04586

PATENT TRADEMARK OFFICE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/623,633	07/22/2003	Muh-Rong Wang	MR1917-129

CONFIRMATION NO. 5173

04586
 ROSENBERG, KLEIN & LEE
 3458 ELLICOTT CENTER DRIVE-SUITE 101
 ELLICOTT CITY, MD 21043

FORMALITIES LETTER



OC000000011368515

Date Mailed: 11/28/2003

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 3-4 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

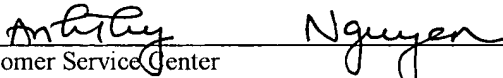
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Date: 22 July 2003
Hon. Director of Patents & Trademarks



Please acknowledge receipt of the document(s)
described below by imprinting the Patent Office
"date-stamp" hereon and returning this card to the
addressee indicated on the reverse side hereof.

File No. MR1917-129 FEE DUE? YES AM'T ENC'D \$375.00
NO

Client Name MUH-RONG WANG

Document(s) Filed PA: "METAL ATOMIZING DEVICE" & CLAIM OF SMALL
ENTITY STATUS

Art Unit # -- Examiner --

Document Serial #/Pat. # --

Drawing Sheets 6 Abstract Pgs. 1 # Claims 5 Spec. Pages 4

TM ☐ Patent ☒ Small Entity ☒ Large Entity ☐

Assignment ☐ Priority Document ☐ IIS ☐ Photographs ☐

Non-Publication Request ☐ Mult. Dep. Claims ☐

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/623,633	07/22/2003		375	MR1917-129	6	5	1

CONFIRMATION NO. 5173

04586
 ROSENBERG, KLEIN & LEE
 3458 ELLICOTT CENTER DRIVE-SUITE 101
 ELLICOTT CITY, MD 21043

FILING RECEIPT



OC000000011368514

Date Mailed: 11/28/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Muh-Rong Wang, Tainan City, TAIWAN;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 11/26/2003

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Metal atomizing device

Preliminary Class

COPY

EXHIBIT B

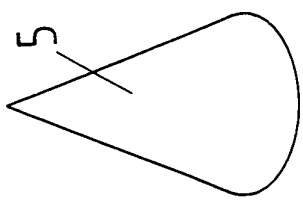


Fig 3

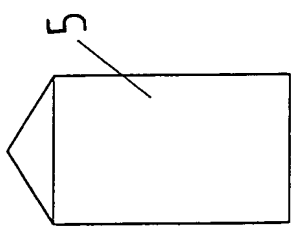


Fig 3-1

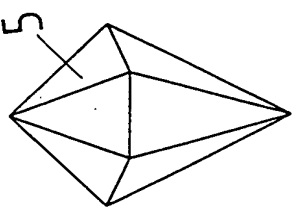


Fig 3-2

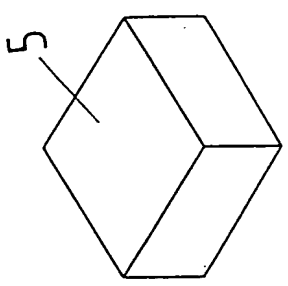


Fig 3-3

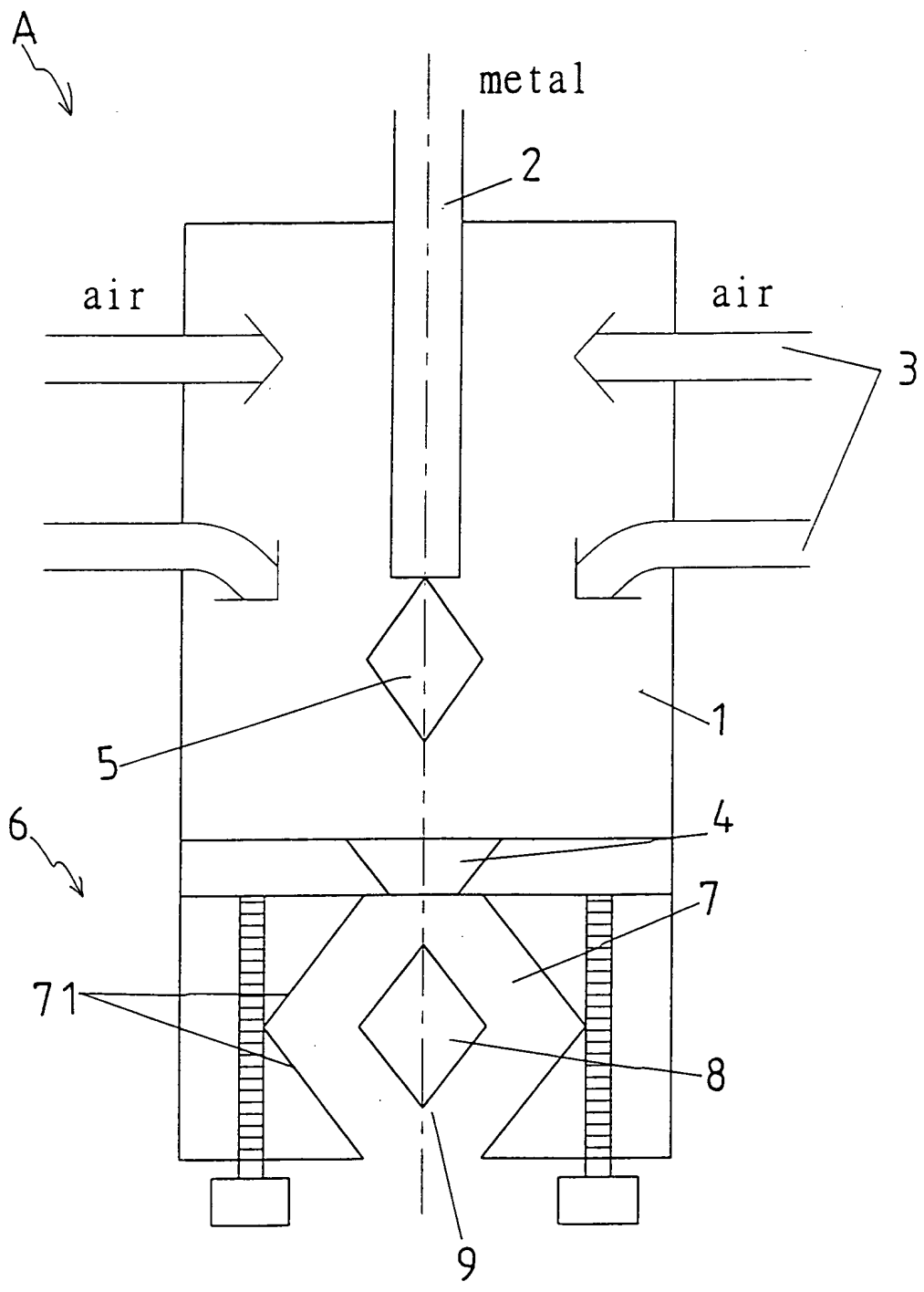


Fig 4